

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AZTEC MUNICIPAL SCHOOLS
BOARD OF EDUCATION,

Plaintiff,

vs.

Civ. No. 08-00183 MV/WDS

HENRY KING, DORA KING, and
DOUG MOELLER,

Defendants.

MEMORANDUM OPINION AND ORDER

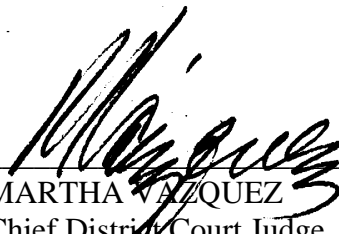
THIS MATTER comes before the Court on Plaintiff Aztec Municipal Schools Board of Education's Motion to Consolidate, filed April 2, 2008, [Doc. No. 8]. In its motion, Plaintiff seeks to have this case consolidated with Case No. 08cv249. Plaintiff's motion, however, is procedurally defective. A motion to consolidate must be filed in both cases a party seeks to consolidate to permit all parties an opportunity to respond. Plaintiff only filed its motion in this case.

The Court also notes that while Plaintiff has been calling the Court seeking a ruling on this motion, no Notice of Completion of Briefing has been filed. *See* D.N.M.LR-Civ. 7.3(b) (moving party must file a Notice of Completion of Briefing when a motion is ready for decision). Absent a Notice of Completion of Briefing, the Court cannot determine if Defendants' failure to file a response to this motion is because they have not yet appeared in the case, because the parties have agreed to an extension to respond as permitted by D.N.M.LR-Civ. 7.6(a), or if the

motion is not opposed.¹

IT IS THEREFORE ORDERED that Plaintiff Aztec Municipal Schools Board of Education's Motion to Consolidate, filed April 2, 2008, [Doc. No. 8], is hereby **DENIED** without prejudice as procedurally defective.

DATED this 20th day of May, 2008.



MARTHA VAZQUEZ
Chief District Court Judge

Attorneys for Plaintiff:

Jacquelyn Archuleta-Staehlin
Sarah Piltch

Attorneys for Defendants:

No appearances entered

¹ The motion indicates that Plaintiff had not received an answer from Defendants regarding whether the consolidation was opposed. The proposed order submitted by Plaintiff indicates that there is "no opposition" to the consolidation but the proposed order does not state that it is approved by each party as required by D.N.M.LR-Civ. 7.2. Furthermore, it is unclear if Plaintiff sought the concurrence of the parties in both cases or just the Defendants in this case.